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Planning Division
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STAFF REPORT

STAFF REPORT DATE: May 2, 2018

HEARING DATE: May 9, 2018

TO: Planning Commission

FROM: Jana Fox, Current Planning Manager

PROPOSAL: **Scholls Valley Heights at South Cooper Mountain PUD Modifications**
(CPA2018-0004 / ZMA2018-0003 / CU2018-0006 / LD2018-0015 / LD2018-0016)

LOCATION: The site is located north of SW Scholls Ferry Road, at SW Strobel Road. Address: 18485 SW Scholls Ferry Road. Tax Lots 301 and 302 on Washington County Tax Assessor's Map 2S30600.

ZONING: Urban Standard Density (R7 & R5) & Urban Medium Density (R4 & R2)

NEIGHBORHOOD: Neighbors Southwest

SUMMARY: The applicants, Ed and Kathy Bartholemy, request approval of the following land use applications to modify the approved Scholls Valley Heights at South Cooper Mountain PUD development by adjusting large lot subdivision boundaries and increasing the number of phases in the development. A Comprehensive Plan Land Use Map Amendment to adjust the boundaries of the land use districts within the development area to align with the desired changes to the proposed development. A Zoning Map Amendment to apply city zoning to the subject site in accordance with the Land Use designations and the South Cooper Mountain Community Plan. A request to modify one condition of approval from the Conditional Use-Planned Unit Development related to allocation of open space per phase. Modification to the large lot Preliminary Subdivision application to modify the existing lot lines and add additional lots. Modification to the small lot Preliminary Subdivision to add additional phases, no change to the final lot layout at full buildout.

APPLICANT/
REPRESENTATIVE: Pioneer Design Group, LLC
9020 SW Washington Square Road, Suite 170
Portland, OR 97223

PROPERTY OWNERS: Ed and Kathy Bartholemy
18485 SW Scholls Ferry Road
Beaverton, OR 97007

STAFF RECOMMENDATION:

CPA2018-0004 (Scholls Valley Heights at South Cooper Mountain PUD):
Approval, no conditions

ZMA2018-0003 (Scholls Valley Heights at South Cooper Mountain PUD):
Approval subject to conditions identified at the end of this report.

CU2018-0006 (Scholls Valley Heights at South Cooper Mountain PUD):
Approval subject to conditions identified at the end of this report.

LD2018-0015 (Scholls Valley Heights at South Cooper Mountain PUD):
Approval subject to conditions identified at the end of this report.

LD2018-0016 (Scholls Valley Heights at South Cooper Mountain PUD):
Approval subject to conditions identified at the end of this report.

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| Exhibit 2.1 Combined plans and materials package prepared by applicant. | materials package |
| Exhibit 3: Public Agency Communication/ Comments | Exhibits by # |
| None Received | |
| Exhibit 4: Public Testimony / Comments | Exhibits by # |
| None Received | |

Project Overview

The applicant, Ed Bartholemy, proposes to modify a previously approved development of 245 residential units approved through a Planned Unit Development (PUD) within the South Cooper Mountain Community Planning (SCMCP) area. The project site is comprised of two existing tax lots located north of SW Scholls Ferry Road at Strobel Road, comprising approximately 36.5 acres in size and is shown on the map exhibits prepared by the applicant and city staff.

After approval of the Scholls Valley Heights at South Cooper Mountain PUD (CPA2017-0007 / CU20174-0011 / LD2017-0021 / LD2017-0027 / SDM2017-0010 / TP2017-0015 / ZMA2017-0007) by the Planning Commission on February 7, 2018 the applicant decided that they would like to modify the approved application to retain the existing dwelling. The location of the existing dwelling on site, which was not identified for retention in the original application, was in the middle of a roadway in the small lot subdivision and within three proposed large lots for phasing as well as three Zoning districts and two Land use designations. As the approved land use application did not envision retaining the house, it would have been required to be removed in order to record the large lot subdivision as you cannot create new lots of record over structure per building code requirements without proper fire walls. In addition to retaining the existing house and barn the applicant wished to create additional phases to allow for greater flexibility in selling and developing phases. The applicant and staff met numerous times to determine the appropriate process for the desired changes, ultimately given the need to modify the Zoning, Land Use Designations, both Land Division applications and the Conditional Use a full resubmittal is needed for consideration at the Planning Commission. This process is consistent with the South Cooper Mountain Heights Modifications which were reviewed by the Planning Commission to approve changes to that development.

Land Use Application Summary

The Planning Commission will conduct a hearing for concurrent consideration of five land use applications identified for Scholls Valley Heights at South Cooper Mountain PUD Modification. These land use applications are summarized below.

Comprehensive Plan Map Amendment application (CPA2018-0004) is requested to adjust boundaries of existing Comprehensive Plan Land Use designations that apply to the subject property. The adjustment proposal is intended to allow for the modification of zoning designation lines, further allowing for adjustment of large lot subdivision lot boundaries to allow for the retention of the existing dwelling unit and barn until final phases of development and the current approval requires removal of the existing structures prior to recording of the large lot subdivision. The CPA proposal does not change existing land use designations that currently apply to the subject properties no change the overall amount of area within each Land Use district.

Zoning Map Amendment application (ZMA2018-0003) is requested to modify the existing zoning boundaries to allow for the retention of the existing dwelling and barn until the final phases of development. The modification of the zoning boundaries allow for the modification of the large lot subdivision. In addition the applicant proposes to correct an error in the zoning districts and large lot subdivision approved in the original PUD. No changes to the overall amount of area within each zoning district.

Conditional Use – Planned Unit Development Modification (CU2018-0006) is proposed to modify Condition of approval 3 of the previously approved CU2017-0011 which allocates open space requirements by phase. The modified condition of approval reflects the addition of 13 new phases to the development through the modification of the small lot subdivision phasing plan.

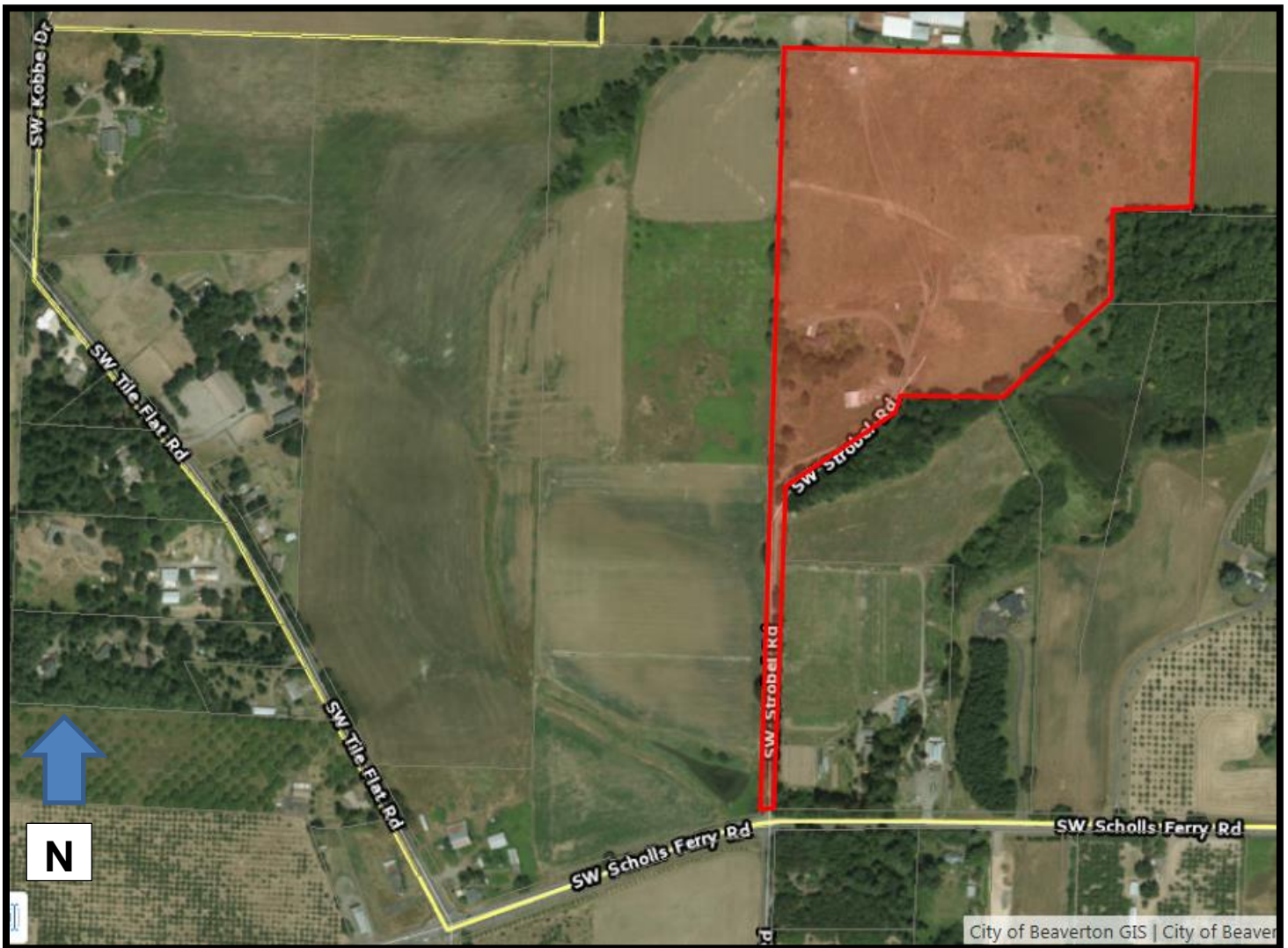
Preliminary Subdivision Modification (Small Lot) (LD2018-0015) is requested to add 13 additional phases to the development which correspond to the additional lots proposed in the large lot subdivision modification. No changes to the final development conditions, including lot sizes, setbacks, open space, streets and utilities.

Preliminary Subdivision Modification (Large Lot) (LD2018-0016) is requested to modify the boundaries of the large lot subdivision as well as add an additional 6 lots for a total of 13 large lots, corresponding to the proposed phases. The modification of properties lines and addition of lots allows for the retention of the existing dwelling until the final phases of development.

Background – South Cooper Mountain Community Plan

The South Cooper Mountain Community Plan (SCMCP) is part of the Beaverton Comprehensive Plan and was adopted in December 2014. The SCMCP identifies various policies intended to guide future development of this area which is comprised of 544 acres of rural land that was added to the Urban Growth Boundary (UGB) in 2011. The SCMCP emphasizes development to be designed as safe, convenient, active and healthful with a variety of housing types, recreational spaces, and pedestrian and vehicular circulation.

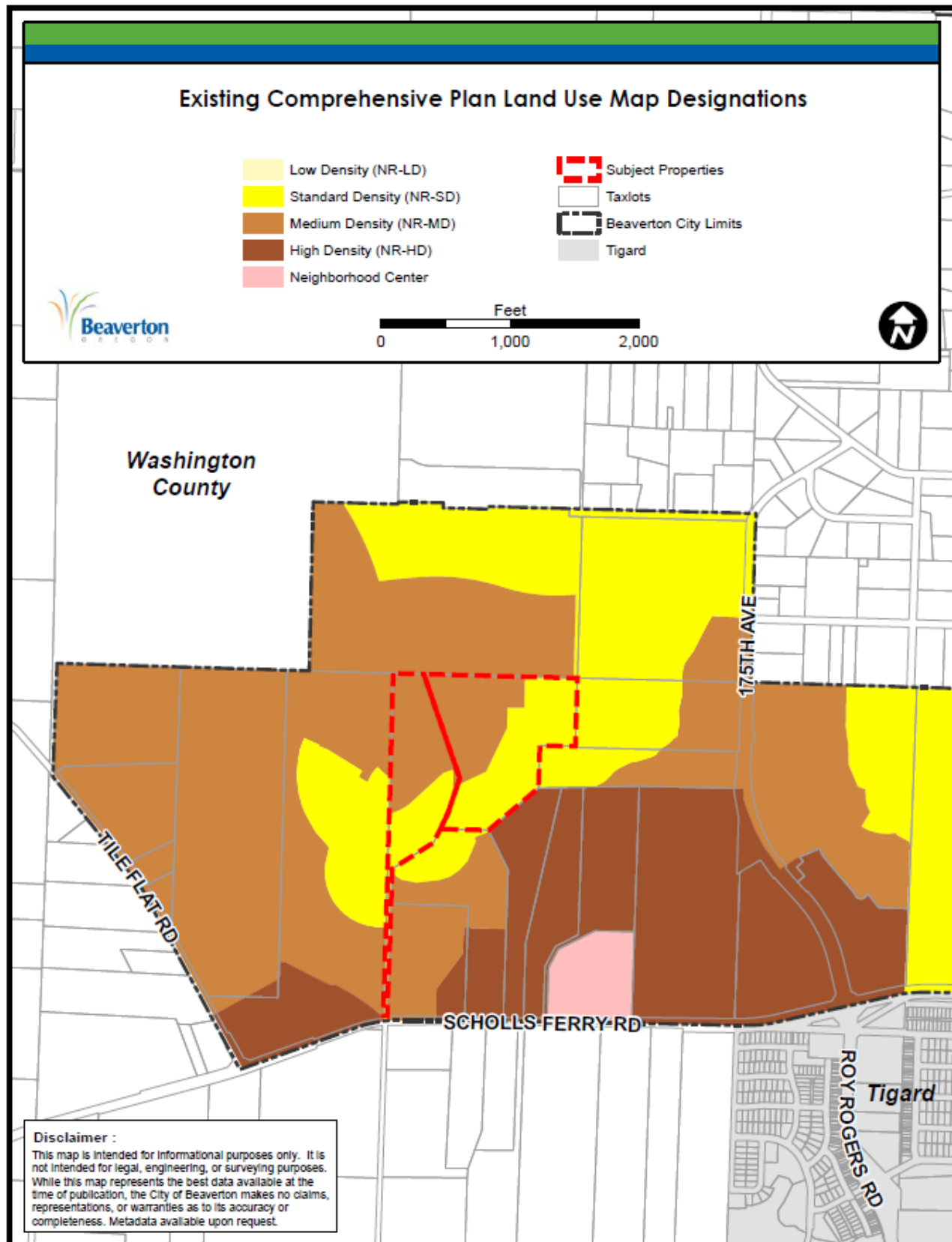
Aerial and Vicinity Map



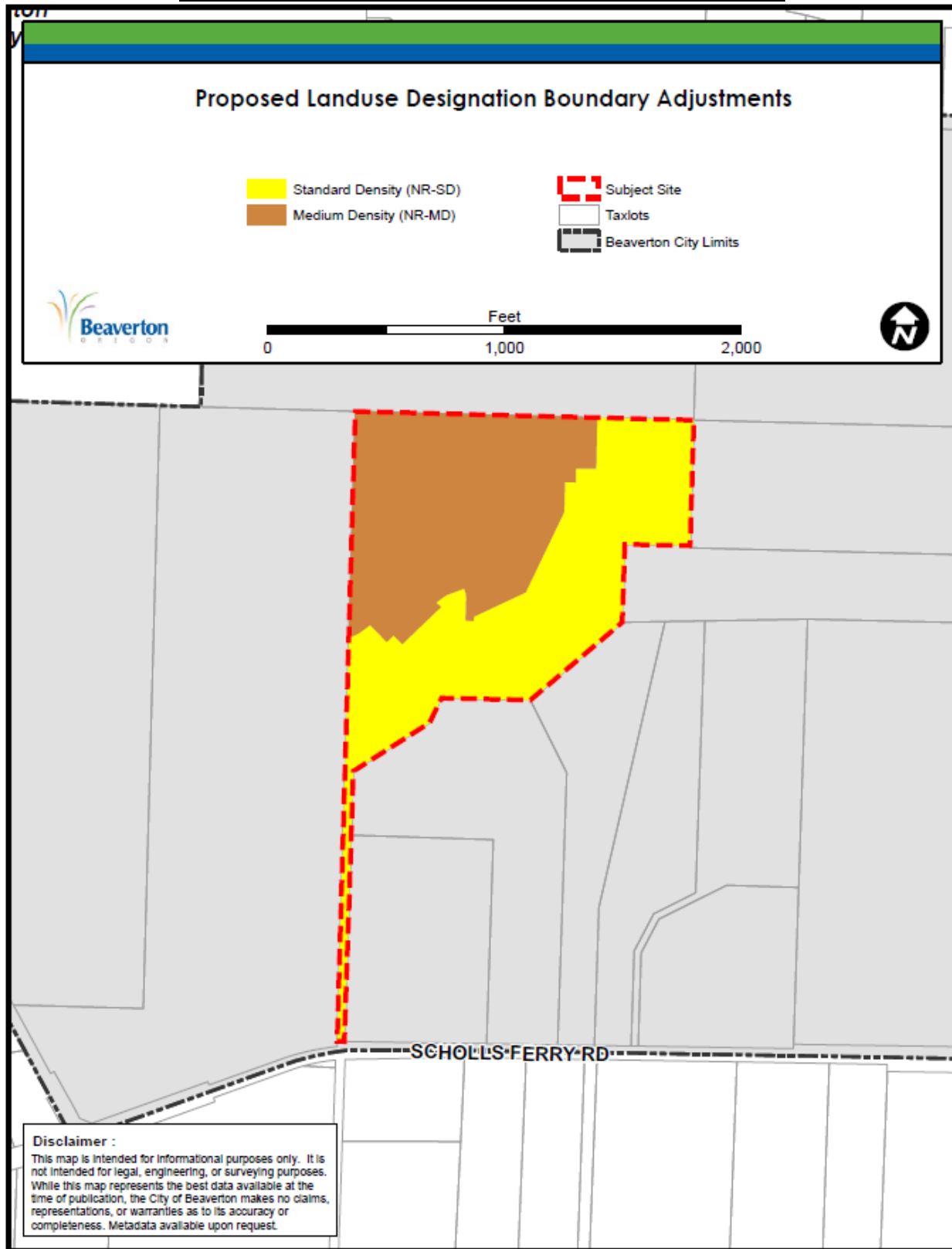
Scholls Valley Heights at South Cooper Mountain Mods

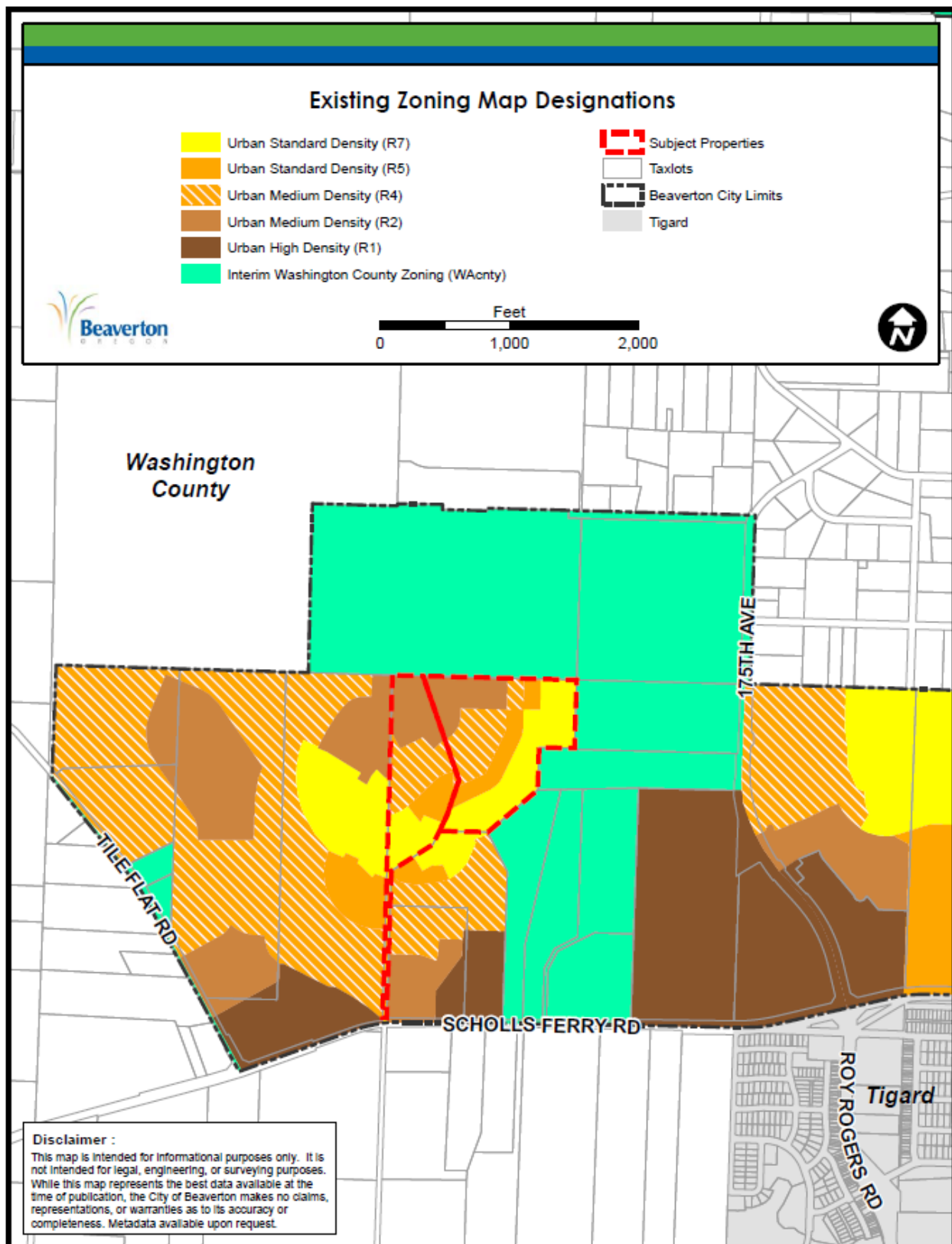
CPA2018-0004 / ZMA2018-0003 / CU2018-0006 / LD2018-0015 / LD2018-0016

Existing Comprehensive Plan Land Use Map Designations

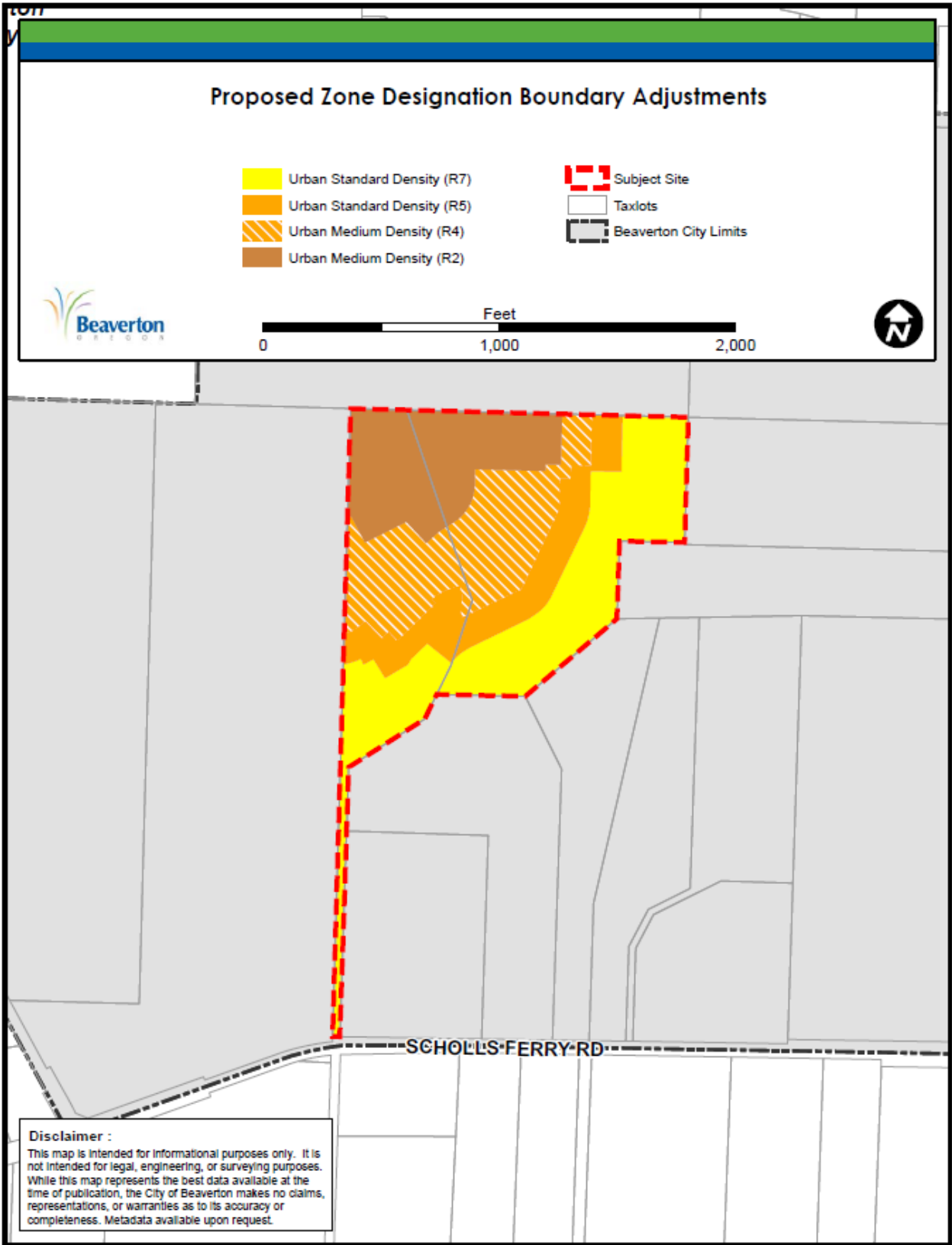


Proposed Comprehensive Plan Land Use Boundary

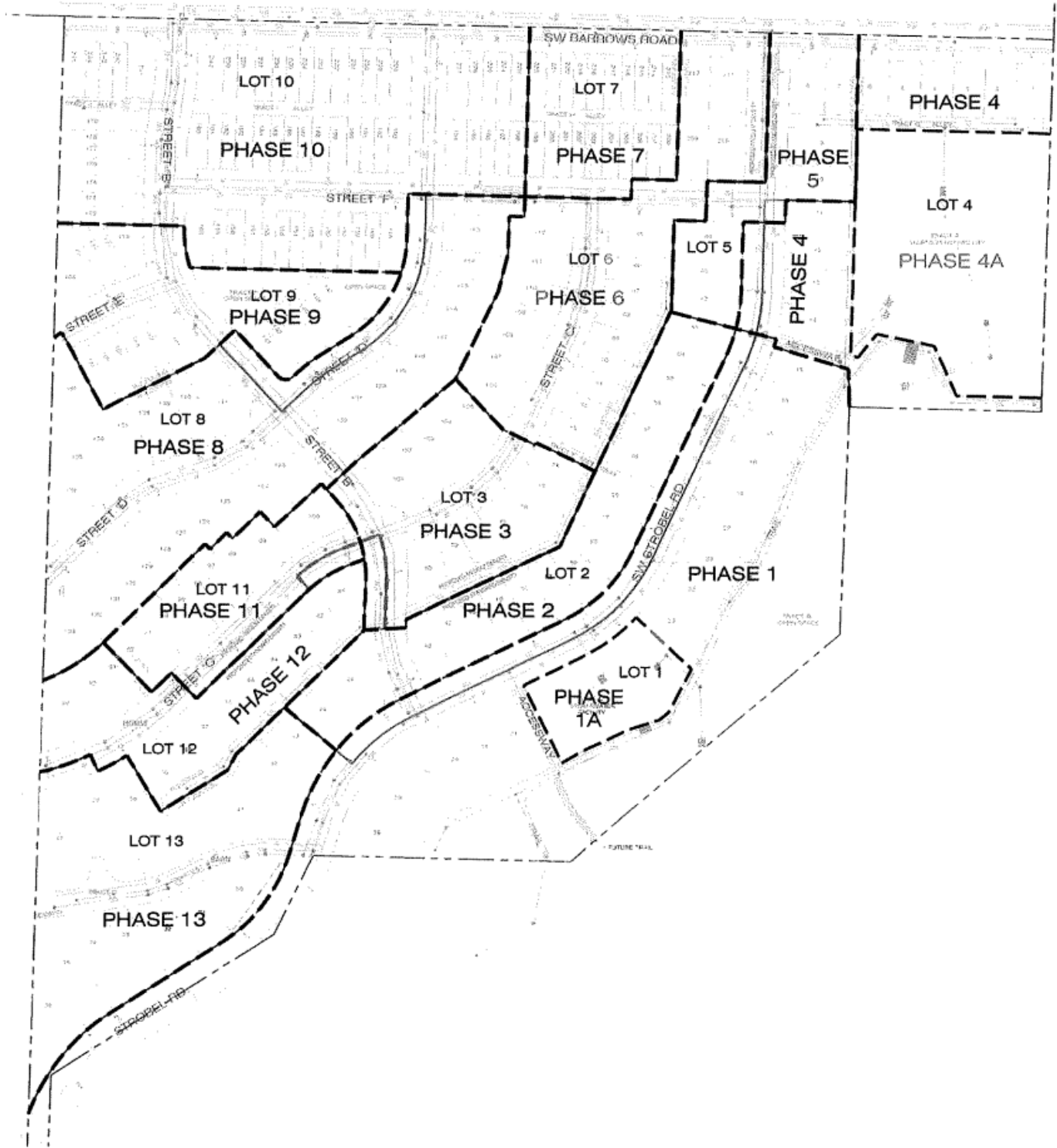


Existing Beaverton Zoning Map

Proposed Zoning Map Amendment



Development Site Plan and Phasing Plan



BACKGROUND FACTS

Key Application Dates

| Application | Submittal Date | Deemed Complete | Final Written * Decision Date | 365-Day |
|---------------------|----------------|-----------------|-------------------------------|----------------|
| CPA2018-0004 | March 22, 2018 | March 23, 2018 | July 21, 2018 | March 22, 2019 |
| ZMA2018-0003 | March 22, 2018 | March 23, 2018 | July 21, 2018 | March 22, 2019 |
| CU2018-0006 | March 22, 2018 | March 23, 2018 | July 21, 2018 | March 22, 2019 |
| LD2018-0015 | March 22, 2018 | March 23, 2018 | July 21, 2018 | March 22, 2019 |
| LD2018-0016 | March 22, 2018 | March 23, 2018 | July 21, 2018 | March 22, 2019 |

Existing Conditions Table

| | | |
|---------------------------------|---|--|
| Zoning | Urban Medium Density Residential (R2 and R4) and Urban Standard Density Residential (R5 and R7). | |
| Current Development | The site is currently rural residential / farm land and consists of two tax lots. | |
| Site Size | Approximately 36.5 acres | |
| Neighborhood Association | Neighbors Southwest | |
| Surrounding Uses | <u>Zoning:</u> North: Washington County Rural Residential (EFU) South: R5 and R7 East: Washington County Rural Residential (AF20) West: R2, R4, R5 and R7 | <u>Uses:</u> North: Rural Uses/Horse Stables (Fox Hollow PUD) South: Standard Density Residential (The Ridge PUD) East: Medium Density Residential (The Ridge PUD) and Rural Residential West: Rural Residential (Scholls Heights PUD) |

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Scholls Valley Heights at South Cooper Mountain PUD Modifications
CPA2018-0004 / ZMA2018-0003 / CU2018-0006
LD2018-0015 / LD2018-0016**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

- **All twelve (12) criteria are applicable to the submitted Modification of a Conditional Use and both Modification of a Land Division applications as submitted.**
- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Large Lot Subdivision Modification

The applicant proposes to modify the existing approval for a large lot subdivision application which was approved to divide the site into 7 parcels for the purpose of phasing. The applicant's modification proposes 13 large lots instead of 7 in order to facilitate desired changes to phasing (addressed in the small lot subdivision modification) and avoid having to remove the existing house until the phase area (Phase 12) containing the house is ready to develop. The large lot subdivision does not involve any physical development or construction of any dwelling units on the site. In order to show provision of service to each large lot the applicant shall be required to dedicate easements for access and utilities to the City of Beaverton over proposed streets and utility locations to provide access to streets and utilities for all of the proposed 13 lots. The only modification to existing easements is under the portion of Street C, between Street B and the western property

line, where the existing structure is to remain until Phase 12 develops. The applicant will need to dedicate any additional needed right-of-way along SW Scholls Ferry Road with the large lot subdivision plat.

The large lot subdivision must also provide any necessary off-site easements to provide for water, sewer and any other needed utilities to provide access to utilities for the proposed large lot subdivision. The provision of these easements allow each of the 13 lots to be served by access and critical utilities. In addition to serving the large lot subdivision the easements will serve adjacent development and allow critical pieces of regional infrastructure to be constructed.

Small Lot Subdivision & PUD Modifications

The applicant proposes to modify the previously approved small lot subdivision in order to increase the number of phases from 2 to 13, with no change in the final lot pattern of the small lot subdivision. The intent of the additional phases is to allow greater flexibility in phased development. The PUD Modification is required to amend condition of approval 3, pertaining to the amount of open space provided per phase, of CU2017-0011. As the number of phases are increasing the condition must be modified to reflect the additional open space allocation for proposed phases. No additional modification to the approved PUD are requested.

The provision of critical facilities to all future final development lots, as approved in the original Scholls Valley Heights decision, are not proposed to be modified. All water, sanitary sewer, and storm water facilities are proposed to be provided, consistent with the previously approved proposal. The only modifications are to the phasing of the construction of the ultimate development.

Transportation facilities to serve the final development are not proposed to be modified with this change to phasing. The only modifications are to the potential construction phasing of those improvements, as described below.

Phase Specific Critical Facilities

The applicant has proposed thirteen (13) phases of development with the modification of the Scholls Valley Heights development. In order to provide options for the development of the site as market conditions shift over time, staff provides the following findings showing how each phase of development could, if desired, be developed independently of other phases. This approach provides the applicant flexibility as development occurs and clarifies which infrastructure pieces must be constructed with each phase of development. Some pieces of infrastructure may be required to serve multiple phases of development, in that case whichever phase requiring the infrastructure is built first will be required to construct it. The applicant has provided a phasing plan on Sheet 6.0 which correspond to the findings below. The dedication of easements for all streets, with the exception of a portion of Street C as described above, will occur with the large lot subdivision of the site to facilitate phased development, or with the first plat within the PUD should the large lot subdivision not be executed. Construction of internal streets, and SW Barrows Road, can be phased, provided that the easements are provided with the first land division final plat to allow later phases to be developed out of order.

Phase 1

Phase 1 (including the water quality facility labeled 1A), is located within the south-east portion of the site, including the connection to the Ridge development to the south. Phase 1 contains 15 detached single family lots within the R7 zoning district, a water quality facility (tract 1A), and active and passive open space areas. The phase includes Strobel Road from SW Scholls Ferry Road to the northern phase boundary.

Transportation

Access for Phase 1 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to the northern phase boundary. While SW Strobel Road is required to be extended with The Ridge development to the edge of The Ridge site, including utilities, should Scholls Valley Heights wish to proceed prior to The Ridge they will be required to bring the street and infrastructure to the site. All future phases will rely on the Strobel Road connection to Scholls Ferry Road for access to the development until such time as Barrows Road to the north is connected to 175th Avenue or Tile Flat Road. No additional internal streets are located within the phase boundary.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts within the phase boundary, as well as any stormwater tracts required by the City Engineer to meet the stormwater needs of the proposed phase, must be constructed and all stormwater infrastructure associated with the development phase installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 1 requires 1,800 square feet of active open space. The total development requires 29,338 square feet of active open space, a total of 26,946 square feet of active open space is provided in Phase 1, meeting almost the entire required active open space needs of the development. Passive open space is provided along the resource area and within the stormwater tracts, in excess of the minimum requirements.

Phase 2

Phase 2 is located along the north side of Strobel Road, northwest of Phase 1. Phase 2 contains 15 detached single family lots in the R5 zoning district. The phase boundary includes a small portion of Street B and relies on services within Strobel Road.

Transportation

Access for Phase 2 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 2, if not already extended by a previous phase. Street B, within the phase boundary must be constructed with the Phase 2 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 2 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 2 requires 2,160 square feet of active open space to serve the phase and 8,622 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 2.

Phase 3

Phase 3 is located north west of Phase 2, east of Street B, northwest of Strobel Road. Phase 3 contains 12 detached single family dwellings in the R4 zoning district.

Transportation

Access for Phase 3 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve previous phases, if not already extended by a previous phase and Street B. Street B, within the phase boundary must be constructed with the Phase 2 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 3 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 3 requires 1,440 square feet of active open space to serve the phase and 5,748 square feet of active open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 3.

Phase 4

Phase 4 is located is north of Phase 1, extending services from Strobel Road through the phase. Phase 4 contains 10 detached single family lots in the R7 zoning district. The phase boundary includes a portion of Strobel Road, a portion of Barrows Road, and a portion of the private alley tract G as well as the stormwater facility labeled 4A.

Transportation

Access for Phase 4 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 4, if not already extended by a previous phase. In order to provide access to the northern portion of Phase 4 construction of Strobel Road to Barrows Road and a portion of Barrows Road and an alley through Phase 5 must be completed.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 4 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 4 requires 1,200 square feet of active open space to serve the phase and 4,790 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements, however 9,422 square feet of active open space are provided within the phase boundary as well as 104,970 square feet of passive open space. Open space from this phase may be relied upon by other subsequent phases to meet their open space needs so long as it is accessible to those residents.

Phase 5

Phase 5 is located north of phase 2 and west of phase 4, along Strobel Road. Phase 5 contains seven (7) detached single family lots in the R5 zoning district. The phase boundary includes a portion of Strobel Road and a portion of Barrows Road, a portion of Street F, as well as a part of the Tract G alley.

Transportation

Access for Phase 5 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 5, if not already extended by a previous phase.

Strobel Road, Barrows Road, Street F, and Tract G, within the phase boundary must be constructed with the Phase 5 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 5 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 5 requires 840 square feet of active open space to serve the phase and 3,353 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 5.

Phase 6

Phase 6 is located west of Phases 2 and 5, extending services from Phases 3 and 5. Phase 6 contains 20 detached single family lots in the R4 zoning district, four of which are alley loaded. The phase boundary includes a small portion of Barrows Road, portions of Street F and Street C, and a portion of the Tract H alley.

Transportation

Access for Phase 6 is provided to the site by Street C from Phase 3. Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 6, if not already extended by a previous phase. Barrows Road, Street F, Street C and Tract H within the phase boundaries must be constructed to serve the phase.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 6 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 6 requires 2,400 square feet of active open space to serve the phase and 9,580 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 6.

Phase 7

Phase 7 is located north and west of Phase 6, utilizing services within Barrows Road and Street F, as extended by pervious phases. Phase 7 contains 20 attached single family lots in the R2 zoning district. The phase boundary includes a portion of Barrows Road as well as a portion of the Tract H alley and Street F.

Transportation

Access for Phase 7 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase7, if not already extended by a previous phase. Barrows Road, Street F, and Tract H also serve the development and must be constructed with the Phase 7 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 7 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 7 requires 2,400 square feet of active open space to serve the phase and 9,580 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 7.

Phase 8

Phase 8 is located west of Phases 3 and 6, extending services from those phases along Street D and Street B. Phase 8 contains 30 detached single family lots in the R4 zoning district. The phase boundary includes portions of Streets D and B.

Transportation

Access for Phase 8 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 8, if not already extended by a previous phase. In addition Street B must be extended from Strobel Road to serve the development. Phase 8 also contains portions of Street D and Street F which must be constructed with the Phase 8 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 8 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 8 requires 3,600 square feet of active open space to serve the phase and 14,370 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 8.

Phase 9

Phase 9 is located north of Phase 8 and will continue services along Street B. Phase 9 contains 17 front loaded attached single family lots in the R2 zoning district. The phase boundary includes Streets B and E are located within the phase boundary as well as active open space areas.

Transportation

Access for Phase 9 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 9, if not already extended by a previous phase. Street B must be extended from Strobel Road to serve the phase. Streets B and E within the phase boundary must be constructed with the Phase 9 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 9 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 9 requires 2,040 square feet of active open space to serve the phase and 8,143 square feet of total open space. The applicant proposes 14,331 square feet of active open space within the phase boundary. In addition the applicant may rely on previously constructed open space to meet any additional open space requirements.

Phase 10

Phase 10 is located in the northwest corner of the site, north of Phase 9 and west of Phase 7 along SW Barrows Road. Phase 10 contains 62 attached single family lots in the R2 zoning district, of which 20 are front loaded and 42 are alley loaded. The phase boundary includes portions of Barrows Road, Street G, Street F, Street D and alley tracts H, I, and J.

Transportation

Access for Phase 10 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 2, if not already extended by a previous phase. Street B and Barrows Road must be extended to serve the phase. Barrows Road, Street B, Street G, Street F, Street D and alley tracts H, I, and J within the phase boundary must be constructed with the Phase 10 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 10 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 10 requires 7,440 square feet of active open space to serve the phase and 29,698 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 10.

Phase 11

Phase 11 is located south of Phase 8 and will extend services southwest on Street C from Phase B. Phase 11 contains nine (9) detached single family lots in the R4 zoning district. The phase boundary includes a portion of Street C.

Transportation

Access for Phase 11 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 11, if not already extended by a previous phase. Street B must be extended to serve the site and Street C, within the phase boundary must be constructed with the Phase 11 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments.

Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 11 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 11 requires 1,080 square feet of active open space to serve the phase and 4,311 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 11.

Phase 12

Phase 12 is located south of Phase 11 and will extend services west on Street C from Phase 11. Phase 2 contains 12 detached single family lots in the R5 zoning district. The phase boundary includes a portion of Street C. The existing house on the site is located within the Phase 12 boundary and must be demolished with construction of this phase.

Transportation

Access for Phase 12 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 12, if not already extended by a previous phase. Streets B and C need to be extended to the development phase, Street C within the phase boundary must be constructed with the Phase 12 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 12 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 12 requires 1,440 square feet of active open space to serve the phase and 5,748 square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 12.

Phase 13

Phase 13 is located along the north side of Strobel Road, southwest of Phases 1 and 2. Phase 13 contains 13 detached single family lots in the R7 zoning district. The phase boundary includes a small portion of Street C and Tract D. Phase 13 contains the existing barn and well which must be demolished with Phase 13.

Transportation

Access for Phase 13 is provided to the site by Strobel Road which must be extended from SW Scholls Ferry Road to serve Phase 13, if not already extended by a previous phase. Street C and Tract D, within the phase boundary must be constructed with the Phase 13 development.

Utilities

Water service can be provided from SW Strobel Road or SW Barrows Road, depending on the timing of adjacent construction. It is anticipated that primary water service to serve the site will be from SW Strobel Road. The applicant shall construct all waterlines through the development phase to serve future phases and be available to adjacent developments. Sanitary sewer service shall be provided from the development phase through SW Strobel Road and The Ridge and ultimately to SW Scholls Ferry Road and provided to serve each lot and stub to adjacent phases and developments. Stormwater tracts needed to treat the stormwater produced by Phase 13 and all stormwater infrastructure associated with the development phase must be installed. All CWS plantings and/or mitigation shall be completed and sensitive area tracts created.

Open Space

Phase 13 requires 1,560 square feet of active open space to serve the phase and 6,227square feet of total open space. The applicant may rely on previously constructed open space to meet these requirements. No additional open space is proposed in Phase 13.

The Committee finds that the proposed development will provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.***

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant’s previous approvals were reviewed by Tualatin Hills Parks & Recreation District, Beaverton School District, Beaverton Police Department and City transportation staff. As the final outcome of the proposal does not increase the number of dwelling units, change unit types, modify proposed open space, or modify transportation facilities no changes to essential facilities and services are proposed, therefore previous conditions of approval related to essential services do not need to be modified.

In summary of the above, the Committee finds that the proposed development will provide required essential facilities, as previously conditioned.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- C. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.***

The applicant does not propose to modify any proposed lots, setbacks, or heights which were approved with the Scholls Valley Heights PUD, as such no changes to Chapter 20 standards are proposed. Therefore the criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposed modifications as they relate to the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Conditional Use and Land Division approval criteria within the applicable sections of the staff report.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

The applicant states that a homeowners association (HOA) will be formed which will have responsibility for maintenance of all commonly owned facilities and tracts such as trails, parks, stormwater facilities, and common landscaping. Staff recommends a condition of approval that all CC&R's and HOA documentation be provided to staff for review with the plat for the first phase of development to ensure adequate means are established to

ensure maintenance. Each plat shall identify maintenance responsibilities for each tract and common facility, the HOA shall remain responsible for maintenance and replacement unless a public entity acquires ownership or maintenance responsibility of the facility. Staff finds that the design of the development does not preclude the continued maintenance of private common facilities.

Therefore, the Committee finds that by meeting the conditions of approval the proposal meets the criterion.

F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

The applicant does not propose to modify any vehicular or pedestrian circulation patterns within the boundaries of the development. All original conditions of approval related to safe and efficient vehicular and pedestrian circulation patterns remain effective. Therefore the criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

There are no changes to the on-site vehicular and pedestrian circulation systems. The proposal includes the required street and trail connections to adjacent properties that provide safe and efficient connections to the surrounding transportation system. Where possible, the pedestrian circulation system remains separated from the vehicular circulation system. As no modifications are proposed the criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

No changes to structures or public facilities are proposed. Fire protection will be provided to the site by Tualatin Valley Fire & Rescue Department. Original conditions of approval from Tualatin Valley Fire & Rescue remain in effect for the development. As no changes to proposed structures or public facilities are proposed the criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

No changes to structures or public facilities are proposed. Original conditions of approval remain in effect for the development. As no changes to proposed structures or public facilities are proposed the criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The applicant does not propose to modify any grading or final site design with this modification application. All conditions related to grading from the original decision will remain. Therefore the criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Compliance with ADA requirements are reviewed with the Building Permit application. The applicant states that the street network and public facilities are designed in accordance with the City's EDM in order to provide accessibility as required. Required on-site pedestrian routes will meet the ADA standards and ADA ramps will be provided within the development to facilitate accessible travel, when possible. Due to the steep grades on the site there are anticipated to be areas which do not comply with ADA, particularly pedestrian walkways used to break up block lengths, the multi-use trail, and sidewalks adjacent to streets with steep grades. Staff finds that review of the proposed plans at Site Development and Building Permit stages are sufficient to guarantee compliance with accessibility standards.

Therefore, the Committee finds that the proposal meets the criterion.

L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

The applicant submitted the land use applications on March 22, 2018 and deemed themselves complete on March 23, 2018. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion.

Chapter 60 Special Requirements

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|---|---|--|-----------------|
| Development Code Section 60.05-Design Standards | | | |
| Design Review Principles, Standards, and Guidelines | Requirements for new development and redevelopment. | The applicant has elected to apply later for Design Review for the attached residential product. | N/A |
| Development Code Section 60.12-Habitat Friendly & LID Practices | | | |
| Habitat Friendly and Low Impact Development Practices | Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques. | No Habitat Friendly or Low Impact Development techniques proposed. | N/A |
| Development Code Section 60.15 – Land Division Standards | | | |
| Land Division Standards | Standards pertaining to Land Divisions | Two Land Division-Preliminary Subdivision applications are proposed to be modified, one to increase the number of large lot parcels to 13 from 7 and the other to modify the proposed phasing of the development to add additional phases. | See LD Findings |
| Development Code Section 60.30 – Off-Street Parking | | | |
| Off-street motor vehicle parking Parking | <u>Detached Dwellings</u> 1 space per unit <u>Attached Single Family</u> 1.75 space per unit <u>Apartments</u> Parking for the multifamily development will be evaluated at the time of Design Review for those units. | No changes to parking are proposed. | N/A |
| Required Bicycle Park | No bicycle parking is required for detached dwellings or single family attached dwellings. Multi-family bike parking will be evaluated at the time of Design Review for those units. | No bicycle parking is required for detached dwellings or single family attached dwellings. | N/A |
| Development Code Section 60.33 – Park and Recreation Facilities & Service Provisions | | | |
| Parks & Recreation Facilities | Areas within the City must annex to THPRD or provide commensurate facilities. | The subject site will be required to annex to THPRD prior to issuance of the first building permit, including model homes, as already required in the previously approved decision for Scholls Valley Heights. | N/A |

| Development Code Section 60.35 Planned Unit Development | | | |
|---|---|---|------------------------|
| Planned Unit Development Standards | Requirements for Planned Unit Developments. | The applicant proposes to modify COA 3 of the approved PUD to adjust the open space requirements to reflect the new phasing proposal. | See CU Findings |
| Development Code Section 60.45 Solar Access Protection | | | |
| Solar Access Protection | Requirements for solar access protection. | No changes are proposed to solar access exemptions. | N/A |
| Development Code Section 60.55 - Transportation | | | |
| Transportation Facilities | Regulations pertaining to the construction or reconstruction of transportation facilities. | No changes are proposed to transportation facilities. | N/A |
| Development Code Section 60.60-Trees & Vegetation | | | |
| Trees & Vegetation | Regulations pertaining to the removal and preservation of trees. | A Tree Plan Two application was approved with the original development and is not proposed to be modified. | N/A |
| Development Code Section 60.65-Utility Undergrounding | | | |
| Utility Undergrounding | All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground. | The applicant does not propose changes to required utility undergrounding, the condition of approval to underground will remain. | N/A |
| Development Code Section 60.67-Significant Natural Resources | | | |
| Significant Natural Resources | Regulations pertaining to Significant Natural Resources | The applicant does not propose changes to Significant Natural Resources. | N/A |

CPA2018-0004
ANALYSIS AND FINDINGS FOR
QUASI-JUDICIAL COMPREHENSIVE MAP AMENDMENT APPROVAL

Chapter 1: Section 1.3 Comprehensive Plan Amendment Procedural Categories.

***Quasi-Judicial Amendments** are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.*

Chapter 1: Section 1.5.1 Criteria for Quasi-Judicial Comprehensive Plan Amendment.

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Approval Criteria (A through D)

A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;

Staff incorporates the applicant's written response to specific Statewide Planning Goals. In this case, the proposed Quasi-Judicial Comprehensive Plan Map Amendment (CPA) is intended to adjust an existing boundary between two Land Use designations (Standard Density and Medium Density) on this site which were applied during the South Cooper Mountain Community Plan (SCMCP) process and modified by the Scholls Valley Heights PUD application to better match development conditions. The SCMCP acknowledges that the land use district boundaries may have to be adjusted to fit with development patterns on individual sites. The applicant, after receiving land use approval determined that they wanted to save the existing dwelling on site in the interim until later phases of physical development. As the dwelling was located over three proposed large lot property lines and bisected by two land use designations and three zoning districts the Comprehensive Plan Amendment is necessary to adjust the land use designations on the site to allow for the interim retention of the existing home. The applicant's plan show equal land areas being exchanged, ensuring no changes to minimum and maximum densities on the site. The applicant states that given the minor nature of the amendment, compliance and compatibility with the Statewide Planning Goals and related OARs will not be impacted by the proposed Comprehensive Map Amendment. The site has already received PUD approval and has proposed various types of housing, which are not proposed to change with these applications. The PUD approval allows for many variations of housing types, lot sizes and reductions, therefore, the difference between lots within the zoning districts and land use designations is minimal, so long as the minimum density is maintained.

Of the 19 Statewide Planning Goals, staff finds that Goals 1, 2, 5, 10, 12 and 14 (*Citizen Involvement, Land Use Planning, Natural Resources, Housing, Transportation and Urbanization*, respectively) are applicable for consideration. Staff also notes that these

goals were evaluated as part of an earlier process to create the SCMCP which lead to subsequent amendment of the Comprehensive Plan Land Use Map and the same land use designations that apply today.

The applicant states that given the minor nature of the amendment, compliance and compatibility with the Statewide Planning Goals and related OARs will not be impacted by the proposed Comprehensive Plan Amendment.

In response to Goal 10 (Needed Housing) the total amount of land in each land use designation is not proposed to change. As the amounts of both the Medium Density and Standard Density residential land are not proposed to change the minimum density of the site is not effected by the proposal, therefore there is no change to needed housing. Staff finds that the applicant's proposal which results in no change to the minimum density of the site is consistent with the Comprehensive Plan, SCMCP and Goal 10 requirements.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion.

B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;

Staff incorporates the applicant's written response stating that the minor nature of the amendment will not impact the compliance and compatibility with the applicable Titles of the Metro Urban Growth Management Functional Plan or the Regional Transportation Plan. The proposed amendment to the Comprehensive Plan Designations is to relocate the boundary between the Standard Density and Medium Density designations established through the broader South Cooper Mountain Community Plan. Additionally, staff confirms that applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan were addressed as part of the South Cooper Mountain Community Plan and for subsequent adoption of existing Land Use designation that apply to subject properties. Staff observes the net result of this CPA is no change to the total amount of land within each Land Use designation on site. The applicant's narrative also states that no alterations to the Urban Growth Boundary are proposed and no street alignments or functional classifications identified on the Regional Transportation Plan are altered by the amendment. Staff also incorporates the facts and findings as stated above in response to Criterion A. In response to Criterion B, staff also finds the proposal to be consistent with the minimum housing capacity identified in Table 2 of the SCMCP, titled *Land Use Designation and Capacity Estimates*.

Therefore, staff finds that the proposal meets this criterion for approval.

C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and

Staff incorporates the facts and findings as stated above in response to Criteria A and B. Staff also incorporates the applicant's written response to specific plan policies identified in the narrative. The applicant's narrative also includes findings prepared in response to policies specific to the SCMCP. As the applicant only propose minor boundary adjustments between Land Use districts which result in no net change to the amount of area in each district many of the Comprehensive Plan Policies and SCMCP Policies do not apply.

Additionally, in response to Criteria C, staff also refers to Policy 4 of Land Use Implementation section (cited below) from the SCMCP that recognizes the need for adjusting the boundaries of the Comprehensive Plan Land Use Map to achieve consistency with proposed Zoning District boundaries when development is proposed. Policy No. 4 reads:

"4. Amendments to the boundaries of Land Use Map designations may be proposed as individual requests prior to development, or simultaneously when development is proposed. This policy is intended to provide a means for the Land Use map and zoning to be aligned with site-specific conditions, and the placement of roads, housing densities, parks, schools and other development that will occur incrementally over time."

In this case, staff acknowledges the applicant's CPA proposal to be limited in scope and reviewed simultaneously with the development plan which identifies site-specific conditions. Staff incorporates the applicant's written response to Criterion C, which states that the boundary adjustment between the land use designations is intended to allow retention of the existing dwelling on the site and to avoid lots containing more than one Land Use or Zoning designation. The applicant's proposed CPA is consistent with Policy 4 of the South Cooper Mountain Community plan.

Therefore, staff finds that the proposal meets this criterion for approval.

D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

Staff incorporates the facts and findings as stated for Criteria A, B and C. This CPA proposal does not change land use designations applied to the subject properties. As previously stated, the proposal is to modify the current boundaries in order to retain an existing dwelling until the final phases of development of the site. No net changes in Land Use district area are proposed.

Therefore, staff finds that the proposal meets this criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **CPA2018-0004 (Scholls Valley Heights at South Cooper Mountain PUD Modifications)**.

**ZMA2017-0007
ANALYSIS AND FINDINGS FOR
ZONING MAP AMENDMENT APPROVAL**

40.97.05 Zoning Map Amendment: Purpose

The purpose of a Zoning Map Amendment application is to provide for the consideration of legislative and quasi-judicial amendments to the zoning map. Legislative amendments to the zoning map are amendments of generally large size, diversity of ownership or of interest to a large geographic area. Quasi-judicial amendments to the zoning map are amendments that are generally small in size, single ownership or affect only a relatively small geographic area. Annexation related amendments to the zoning map are those amendments, whether legislative or quasi-judicial, which are associated with land being annexed into the City. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires.

Section 40.97.15.1.C Approval Criteria. *In order to approve a Quasi-Judicial Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

1. *The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.*

The applicant proposes a Zoning Map Amendment to slightly modify existing zoning on the site to allow for the retention of an existing dwelling on the site until final phases of development. The applicant proposes no net change in the total amount of land in each zoning district. The subject site is currently zoned R7, R5, R4 and R2. The modified zoning would allow the adjustment of an approved large lot subdivision line which was bisecting the existing dwelling and by allowing the house to be all within one zoning district. The application meets Threshold 1 of a Quasi-Judicial Zoning Map Amendment.

40.97.15.1. A Thresholds:

1. *The change of zoning designation for a specific property or limited number of specific properties.*

As the proposal is to rezone two specific properties, staff finds the application consistent with Threshold 1.

Therefore, staff finds the proposal to meet the criterion.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant has paid the required fee for a Zoning Map Amendment.

Therefore, staff finds the proposal to meet the criterion.

3. *The proposal conforms with applicable policies of the City's Comprehensive Plan.*

The applicant's responses to applicable policies are evaluated in detail under Criterion 4 of the Conditional Use – Planned Unit Development section of this report. Staff notes that given the limited scope of this Zoning Map Amendment many Comprehensive Plan Policies and SCMCP Policies are not applicable. Staff incorporate the findings identified in this report, specifically in response to Criterion C of the Comprehensive Plan Amendment and in all policies related to the South Cooper Mountain Community Plan policies found at the end of Criterion No. 4 of the Conditional Use (PUD) application.

Therefore, staff finds the proposal to meet the criterion.

4. *All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.*

In response to Section 40.03.1.A of Facilities Review, the applicant addresses the availability of critical facilities and services. As the applicant's combined application package is subject to concurrent review, staff incorporates the facts and findings prepared in response to the Facilities Review Committee section of this report (Attachment A). The Facilities Review Committee found that all critical facilities can be provided and has conditioned accordingly. Staff also notes that the Critical Facility service to the site was previously reviewed with the Scholls Valley Heights PUD application and the provision of services to the site is unchanged with this request for minor amendments and modifications. For the purpose of Zoning Map Amendment approval, no condition is necessary as the proposal implements existing residential land use map designations of the Comprehensive Plan.

Therefore, staff finds the proposal to meet the criterion.

5. *Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.*

The applicant identifies how the availability of essential facilities and services is addressed in the response to Section 40.03.A. Staff therefore incorporates the facts and findings prepared in response to the Facilities Review Committee section of this report (Attachment A). The Facilities Review Committee found that all essential facilities can be provided as conditioned. For the purpose of Zoning Map Amendment approval, no conditions are

necessary as the proposal implements existing residential land use designations of the Comprehensive Plan.

Therefore, staff finds the proposal to meet the criterion.

6. *The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).*

The applicant does not propose to modify the final outcome of the PUD, all final development lots which were evaluated with the original PUD are proposed to remain unchanged. The original approval found that all proposed lots were consistent with Chapter 20 or duly modified through the Conditional Use-PUD process. Staff finds that the proposal is consistent with the applicable provisions of Chapter 20 or necessary modifications to the Chapter 20 standards have already been approved.

Therefore, staff finds the proposal to meet the criterion.

7. *The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development.*

The applicant does not propose any changes to the total amount of area within each zoning district, nor to the final small lot subdivision which has already been analyzed for traffic impacts. The applicant's traffic study completed by Kittleson & Associates for the Scholls Valley Heights PUD remains applicable. According to the applicant, the requirements of Section 60.55.10.1-3 and 7 are addressed in the responses to that section. Staff concurs and incorporates the findings prepared in response to the Facilities Review approval criteria (Attachment A of this report).

Therefore, staff finds the proposal to meet the criterion.

8. *As an alternative to 40.97.15.1.C.8, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning.*

The applicant has addressed Criterion No. 7 as opposed to Criterion 8 as an alternative.

Therefore, staff finds the criterion to be not applicable.

9. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

All submittal requirements identified in Section 50.25.1 of the Development Code are contained in the submittal package.

Therefore, staff finds the proposal to meet the criterion.

10. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted the required application materials for review of a Zoning Map Amendment application in the proper sequence. The Zoning Map Amendment is being processed concurrently with the following applications Comprehensive Plan Amendment (CPA2018-0004), Conditional Use-PUD Modification (CU2018-0006), Preliminary Subdivision – Small Lot Modification (LD2017-0015), and Preliminary Subdivision-Large Lot Modification (LD2017-0016). The Zoning Map Amendment application is dependent upon approval of the Comprehensive Plan Map Amendment CPA2018-0004, as such staff recommends a condition of approval that CPA2018-0004 be approved in order for ZMA2018-0003 to be approved.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **ZMA2018-0003 (Scholls Valley Heights at South Cooper Mountain PUD Modification)** with the associated condition of approval.

**CU2018-0006
ANALYSIS AND FINDINGS FOR
CONDITIONAL USE – PLANNED UNIT DEVELOPMENT APPROVAL
MODIFICATION OF A DECISION**

Section 40.15.05 Conditional Use Applications; Purpose

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied.

A Planned Unit Development is a special kind of Conditional Use that permits the modification of the development standards in the underlying zoning district to achieve innovative design, preserve natural resources, reduce energy consumption and/or otherwise address unique site opportunities and constraints. Such approval allows the modification of such design standards without the necessity for separate Adjustment or Variance applications... This Section is carried out by the approval criteria listed herein.

Section 40.15.15.C. Approval Criteria. In order to approve a PUD application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a PUD application.

Threshold 3 for a Conditional Use-Planned Unit Development states that a Planned Unit Development is an application process which:

3. *Is required for proposed residential development of a site that is equal to or greater than 10 acres, including all phases, and located within the South Cooper Mountain Community Plan Area.*

The applicant proposes to modify a condition of approval of a previously approved 245 unit PUD on a site approximately 36.5 acres in size, with associated open spaces and natural features. Properties identified as part of this PUD proposal are located within the South Cooper Mountain Community Plan (SCMCP) area. The combined development site is also greater than ten acres in size thereby meeting threshold 3 as described.

The applicant proposes to modify the condition of approval related to open space provision per phase, as the applicant is concurrently applying for a Modification of a Decision for the Preliminary Subdivision (small lot) to approve additional phases of development. The appropriate application for a Modification of a Decision is the application that approved

that decision to be modified the applicant meets the threshold for a Conditional Use-Planned Unit Development application. This meets threshold 3 for a Conditional Use-Planned Unit Development.

Therefore, staff finds the proposal meets the above threshold and criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant paid the required fee associated with a Conditional Use - Planned Unit Development application.

Therefore, staff finds the proposal meets the criterion for approval.

3. *The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless otherwise provided by Section 60.35.10.3.*

The applicant does not propose to modify the approved setbacks for any development lots from that already approved, including the condition of approval requiring maintaining of the parent parcel setbacks on the site.

Therefore, staff finds that the criterion is not applicable.

4. *The proposal complies with the applicable policies of the Comprehensive Plan.*

The applicant has not proposed any changes to the final design of the planned unit development which would require re-consideration of the Comprehensive Plan or SCMCP policies. The applicant requests to modify one condition of approval regarding the proportional allocation of open space construction with each phase of development and as the applicant is proposing to add additional phases, the condition of approval needs to be modified to reflect the new phasing. The ultimate development and location of the open space is not proposed to be modified. Therefore staff finds that the proposal remains in compliance with the applicable policies of the Comprehensive Plan.

Therefore, staff finds that by meeting Conditions of Approval, the proposal meets the criterion for the approval.

5. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.*

The applicant does not propose to modify the final design of the PUD and subdivision applications, only to modify the phasing and related condition of approval for the allocation of open space. As the ability of the site to accommodate the proposed development was evaluated under the previously approved CU2017-0011 and the ultimate buildout of the development is not proposed to be modified staff finds that the criterion is not applicable.

Therefore, staff finds that the criterion is not applicable.

- 6. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.***

The applicant does not propose to modify the final design of the PUD and subdivision applications, only to modify the phasing and related condition of approval for the allocation of open space. As the ability of the project to have minimal impact on livability and appropriate use of the adjacent area was evaluated under the previously approved CU2017-0011 and the ultimate buildout of the development is not proposed to be modified staff finds that the criterion is not applicable.

Therefore, staff finds that the criterion is not applicable.

- 7. *The width of the proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.***

The applicant does not propose to modify the final design of the PUD and subdivision applications, only to modify the phasing and related condition of approval for the allocation of open space. As the design, location and setback of structures is not proposed to be modified and was evaluated under the previously approved CU2017-0011 and the ultimate buildout of the development is not proposed to be modified staff finds that the criterion is not applicable.

Therefore, staff finds that the criterion is not applicable.

- 8. *The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.***

The applicant does not propose to modify the final design of the PUD and subdivision applications, only to modify the phasing and related condition of approval for the allocation of open space. The overall location and design of the open space and resource

preservation areas are not proposed to be modified. As the ability of the project to meet the criterion was evaluated under the previously approved CU2017-0011 and the ultimate buildout of the development is not proposed to be modified staff finds that the criterion is not applicable.

Therefore, staff finds that the criterion is not applicable.

9. *The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:*

- a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest to complement the overall site design.***
- b. The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.***
- c. The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.***

The applicant does not propose to modify the final design of the PUD and subdivision applications, including the design of open space. The applicant's request to modify the condition of approval related to open space allocation does not modify the design of the open space, however it does require that open space be provided up front or incrementally with phased development to ensure no phase is built without access to required open space. The ultimate design of the open space was evaluated under the previously approved CU2017-0011 and the ultimate buildout of the development is not proposed to be modified staff finds that the criterion is met.

Therefore, staff finds the proposal meets the criterion for approval.

10. *For proposals within the SC-S (Station Community-Sunset) zoning district, the requirements identified in Sections 20.20.40.2. and 20.20.40.3. are satisfied.*

The proposed PUD is not located within the SC-S zoning district, therefore this criteria is not applicable.

Therefore, staff finds the criterion is not applicable.

11. ***If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development of the future phases of the PUD shall be filed within five (5) years of the date of decision of the PUD. Refer to Section 50.90.***

The applicant has proposed the PUD will develop over thirteen (13) phases, and understands that development applications shall be filed within five (5) years.

Therefore, staff finds by meeting the Conditions of Approval, the proposal meets the criterion for approval.

12. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant has submitted the required application materials for review of a Modification of a Decision-Conditional Use-PUD application in the proper sequence. The Modification of a Decision-Conditional Use-PUD application is being processed concurrently with the following applications Comprehensive Plan Amendment (CPA2018-0004), Modification of a Decision-Preliminary Subdivision-Large Lot (LD2018-0016), Modification of a Decision-Preliminary Subdivision-Small Lot (LD2018-0015), and Zoning Map Amendment (ZMA2018-0003). The Modification of a Decision-Conditional Use-PUD application is dependent upon approval of the Comprehensive Plan Map Amendment (CPA2018-0004), Modification of a Decision-Preliminary Subdivision-Small Lot (LD2018-0015), Modification of a Decision-Preliminary Subdivision-Large Lot (LD2018-0016), and Zoning Map Amendment (ZMA2018-0003) as such staff recommends a condition of approval that the above mentioned applications be approved in order for this Modification of a Decision-Conditional Use-PUD to be approved.

Therefore, staff finds that by meeting the Conditions of Approval, the proposal meets the criterion.

Planned Unit Development Code Conformance Analysis

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|---|---|--|--------------------|
| Open Space | | | |
| 60.35.15. Open Space Requirements | Requirements pertaining to the amount and design of open space. | The applicant does not propose any changes to the approved open space design or location, including resource areas, trails, active open space, and water quality facilities. | N/A |

Section 50.95 Modification of a Decision - Procedures.

The applicant has requested modifications to the approved conditions of approval of the previously approved Conditional Use-PUD (CU2017-0011), Section 50.95 of the Development Code is applicable to the request.

1. **An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.**

The applicant has requested this modification to a decision, originally approved through a Type 3 procedure, in order to modify the decision (CU2017-0011) the applicant must return to the Planning Commission to request a modification. The applicant proposes to add additional phases to the originally approved CU2017-0011 decision. Staff has addressed the relevant approval criterion for this decision above, as well as in the Facilities Review section of this report and found that the proposal is compliant with the applicable approval criterion, subject to three additional conditions of approval. The original conditions of approval of CU2017-0011 remain effective except for one condition which is superseded by a new condition of approval based upon the applicant's revised proposal.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

2. **An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.**

The applicant met with staff accordingly for a pre-application conference on February 27, 2018, and was provided the information necessary to apply for a Modification of Decision application, along with the other appropriate applications necessary to make the changes as proposed.

Therefore, staff find the proposal meets the criterion for approval.

3. **An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.**

This application does not request to extend the deadline for filing an appeal. The appeal period for the original Scholls Valley Heights PUD applications expired March 5, 2018 without an appeal filed.

Therefore, staff finds that the criterion for approval does not apply.

4. **Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.**

The applicant has applied to modify the conditionally approved Land Division – Conditional Use-PUD CU2017-0011, part of the Scholls Valley Heights at South Cooper Mountain PUD.

Therefore, staff find the proposal meets the criterion for approval.

5. **An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.**

The originally approved South Cooper Mountain Heights PUD project was originally processed under the Type 3 review procedures. The requested modifications to the approved project, and all submitted applications as part of this Modification of Decision will follow the Type 3 review procedures.

Therefore, staff find the proposal meets the criterion for approval.

5. **The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:**

- A. **The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.**

- B. **The condition could not be implemented for reasons beyond the**

control of the applicant and the modification will not require a significant modification of the original decision.

- C. The circumstances have changes to the extent that the condition is no longer needed or warranted.**
- D. A new or modified condition would better accomplish the purpose of the original condition.**

The applicant proposes to modify Condition of Approval 3 of CU2017-0011 which allocated open space requirements to each phase of development. As the applicant is adding an additional 11 phases to the project the proportional share of the open space per phase needs to be updated, hence the Modification of a Decision application. The proposed modification of a condition would better accomplish the purpose of the original condition which was to allocate proportionally open space development to each phase of development to ensure that no phases would be built without having access to open space. The proposed modification better accomplishes the purpose of the original condition as the number of phases is proposed to be increased, meeting criterion D above. The total amount, location, and design of the open space remain unchanged.

Therefore, staff find the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **CU2018-0016 (Scholls Valley Heights at South Cooper Mountain PUD Modification)** subject to the applicable conditions identified in Attachment G.

**LD2018-0015
ANALYSIS AND FINDINGS FOR
LAND DIVISION-PRELIMINARY SUBDIVISION APPROVAL
MODIFICATION OF A DECISION
(SMALL LOT SUBDIVISION)**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.5.C Approval Criteria. *In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

- 1. The application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47, further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C have been met.***

Threshold 1 for a Preliminary Subdivision states that an application for Preliminary Subdivision shall be required when the following threshold applies:

- 1. The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.*

The applicant proposes to modify a previously approved 245 lot subdivision (146 lots for detached single-family homes and 99 lots for attached single-family homes). The applicant proposes to modify the small lot subdivision in order to add additional development phases. As the appropriate application for a Modification of a Decision is the application that approved that decision the applicant meets the threshold for a Preliminary Subdivision application. This meets threshold 1 for a Preliminary Subdivision. The parent parcels are not subject to a pending Legal Lot Determination application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant has paid the required application fee for a Preliminary Subdivision application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. ***The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.***

The applicant proposes to modify the previously approved Preliminary Subdivision application as part of a concurrently processed land use package containing a Comprehensive Plan Amendment, Zoning Map Amendment, Modification of a Decision-Conditional Use-Planned Unit Development, and Modification of a Decision-Preliminary Subdivision (Large Lot). As the applications are being processed concurrently they do not conflict with each other. This Modification of a Decision-Preliminary Subdivision is the appropriate tool to modify the original decision and request to add 11 additional phases to the development. There original PUD was approved by the Planning Commission on February 7, 2018.

Therefore, staff finds that the proposal meets the criterion for approval.

4. ***Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots.***

The applicant has not proposed any oversized lots.

Therefore, staff finds that the criterion for approval does not apply.

5. ***If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

The applicant has proposed to modify the approved two (2) phase approach for the subdivision to a thirteen (13) phase subdivision and intends to submit the appropriate development applications within five (5) years of PUD approval. Criterion A of the Facilities Review report discusses the thirteen proposed phases and how each phase provides the necessary public improvements to serve each phase. Staff incorporates the findings in response to Facilities Review approval criterion A in response to this approval criterion.

Therefore, staff finds that the proposal meets the criterion for approval.

6. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:***

- a) ***Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
- b) ***Complies with minimum density requirements of [the Development] Code, provides appropriate lot size transitions adjacent to differently zoned properties, and where a street is proposed provides a standards street cross section with sidewalks.***

The applicant has received approval to reduce the minimum lot size through the Planned Unit Development (PUD) process (CU2017-0011), no modifications to the final development lots are proposed. The applicant is not using the lot averaging standards of Section 20.05.20.1.B.

Therefore, staff finds that the criterion for approval does not apply.

7. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B do not require further Adjustments or Variance for the Land Division.***

The proposal does not apply the lot area averaging standards. The applicant has approval to reduce the minimum lot size through the approved PUD process, not using the lot averaging standards of Section 20.05.20.1.B.

Therefore, staff finds that the criterion for approval does not apply.

8. ***The proposal does not create a parcel which will have more than one (1) zoning designation.***

In conjunction with the proposed Zoning Map Amendment (ZMA2018-0003) application, no proposed tracts or parcels will have more than one zoning designation.

Therefore, staff finds that the proposal meets the criterion for approval.

9. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant has submitted the required application materials for review of a

Modification of a Decision-Preliminary Subdivision application in the proper sequence. The Modification of a Decision-Preliminary Subdivision application is being processed concurrently with the following applications Comprehensive Plan Amendment (CPA2018-0004), Modification of a Decision-Conditional Use-PUD (CU2018-0006), Modification of a Decision-Preliminary Subdivision-Large Lot (LD2018-0016), and Zoning Map Amendment (ZMA2018-0003). The Modification of a Decision-Preliminary Subdivision application is dependent upon approval of the Comprehensive Plan Map Amendment (CPA2018-0004), Modification of a Decision-Conditional Use-PUD (CU2018-0006), and Zoning Map Amendment (ZMA2018-0003) as such staff recommends a condition of approval that the above mentioned applications be approved in order for this Modification of a Decision-Preliminary Subdivision to be approved.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion.

Section 50.95 Modification of a Decision - Procedures.

The applicant has requested modifications to the approved conditions of approval of the previously approved Preliminary Subdivision-Small Lot (LD2017-0021), Section 50.95 of the Development Code is applicable to the request.

- 1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.**

The applicant has requested this modification to a decision, originally approved through a Type 3 procedure, in order to modify the decision (LD2017-0021) the applicant must return to the Planning Commission to request a modification. The applicant proposes to add additional phases to the originally approved LD2017-0021 decision. Staff has addressed the relevant approval criterion for this decision above, as well as in the Facilities Review section of this report and found that the proposal is compliant with the applicable approval criterion, subject to three additional conditions of approval. The original conditions of approval of LD2017-0021 remain effective except for one condition which is superseded by a new condition of approval based upon the applicant's revised proposal.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

2. **An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.**

The applicant met with staff accordingly for a pre-application conference on February 27, 2018, and was provided the information necessary to apply for a Modification of Decision application, along with the other appropriate applications necessary to make the changes as proposed.

Therefore, staff find the proposal meets the criterion for approval.

3. **An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.**

This application does not request to extend the deadline for filing an appeal. The appeal period for the original Scholls Valley Heights PUD applications expired March 5, 2018 without an appeal filed.

Therefore, staff finds that the criterion for approval does not apply.

4. **Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.**

The applicant has applied to modify the conditionally approved Land Division – Preliminary Subdivision LD2017-0021, part of the Scholls Valley Heights at South Cooper Mountain PUD.

Therefore, staff find the proposal meets the criterion for approval.

5. **An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.**

The originally approved South Cooper Mountain Heights PUD project was originally processed under the Type 3 review procedures. The requested modifications to the approved project, and all submitted applications as part of this Modification of Decision will follow the Type 3 review procedures.

Therefore, staff find the proposal meets the criterion for approval.

6. The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:
- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.
 - B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.
 - C. The circumstances have changes to the extent that the condition is no longer needed or warranted.
 - D. A new or modified condition would better accomplish the purpose of the original condition.

The applicant does not propose to modify any conditions of approval of the previous Preliminary Subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **LD2018-0015 (Scholls Valley Heights at South Cooper Mountain PUD Modification)** subject to the applicable conditions identified in Attachment G.

Land Division Standards Code Conformance Analysis

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|--|--|---|-------------|
| Grading Standards | | | |
| 60.15.10.1 Applicability | Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review. | The applicant does not propose any modifications to approved grading. | N/A |
| 60.15.10.2.A-C Exemptions | Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way. | The applicant does not propose any modifications to approved grading. | N/A |
| 60.15.10.3.A-E | When grading a site within 25 feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe A-E of this code section. | The applicant does not propose any modifications to approved grading. | N/A |
| 60.15.10.3.F | Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E above, the slope after grading (post-development) shall not exceed the pre-development slope. | The applicant does not propose any modifications to approved grading. | N/A |
| 60.15.10.3.G | The on-site grading contours stated above apply only to the property lines of the parent parcel(s). They do not apply to internal property lines within a development. | The applicant does not propose any modifications to approved grading. | N/A |
| Significant Trees and Groves | | | |
| 60.15.10.4 Significant Trees and Groves | Standards for grading within 25 feet of significant trees or groves. | The applicant does not propose any modifications to previously approved protected resource areas. | N/A |

**LD2018-0016
ANALYSIS AND FINDINGS FOR
LAND DIVISION-PRELIMINARY SUBDIVISION
MODIFICATION OF A DECISION
(LARGE LOT SUBDIVISION)**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.5.C Approval Criteria. *In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

- 1. *The application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47, further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C have been met.***

Threshold 1 for a Preliminary Subdivision states that an application for Preliminary Subdivision shall be required when the following threshold applies:

- 1. The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.*

The applicant proposes to modify a previously approved 7 lot subdivision to add an additional 6 lots to allow for additional phasing and to modify the boundary of the approved Lots 5, 6, and 7 to allow for the retention of the existing house until the final phases of development of the subdivision. As the appropriate application for a Modification of a Decision is the application that approved the decision proposed to be modified the applicant meets the threshold for a Preliminary Subdivision application. This meets threshold 1 for a Preliminary Subdivision. The parent parcels are not subject to a pending Legal Lot Determination application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant has paid the required application fee for a Preliminary Subdivision application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. ***The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.***

The applicant proposes to modify the previously approved Preliminary Subdivision application as part of a concurrently processed land use package containing a Comprehensive Plan Amendment, Zoning Map Amendment, Modification of a Decision-Conditional Use-Planned Unit Development, and Modification of a Decision-Preliminary Subdivision (Small Lot). As the applications are being processed concurrently they do not conflict with each other. This Modification of a Decision-Preliminary Subdivision is the appropriate tool to modify the original decision and request to add additional lots to the large lot subdivision. There original PUD was approved on February 7, 2018.

Therefore, staff finds that the proposal meets the criterion for approval.

4. ***Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots.***

All lots proposed by the applicant are oversized lots. As previously discussed above the purpose of the large lot subdivision is to allow phased development of the final or 'small lot' subdivision which is the ultimate buildout associated with the PUD. The applicants Modification of a Decision-Preliminary Subdivision application LD2018-0015 to modify the previously approved LD2017-0021 to add additional phases is being processed concurrently with this application. As the previously approved LD2017-0021 shows how the site could be fully developed to meet minimum density requirements.

The large lot subdivision is intended to be an interim condition. The previous approval of LD2017-0027 required a condition of approval that the proposed lots must be developed together as a PUD, this condition must be recorded and serve as notice to future purchasers of any or all of the large lots. The original conditions of approval, including this one are proposed to remain in full effect. Only one condition of approval is proposed to be modified with this Modification of a Decision-Preliminary Subdivision application. This requirement would survive the existing PUD, should it not be enacted and expire and require new PUD approval for development of the lots outside the PUD being processed concurrently to ensure the South Cooper Mountain Community Plan provisions, such as density requirements and resource protection are met by the ultimate development of the site.

Therefore, staff finds that by meeting the Conditions of Approval, the proposal meets the criterion for approval.

5. ***If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

The applicant does not request phasing for the large lot subdivision.

Therefore, staff finds that the criterion for approval does not apply.

6. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:***

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
- b) Complies with minimum density requirements of [the Development] Code, provides appropriate lot size transitions adjacent to differently zoned properties, and where a street is proposed provides a standards street cross section with sidewalks.***

The applicant does not propose lot averaging.

Therefore, staff finds that the criterion for approval does not apply.

7. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B do not require further Adjustments or Variance for the Land Division.***

The applicant does not propose lot averaging.

Therefore, staff finds that the criterion for approval does not apply.

8. ***The proposal does not create a parcel which will have more than one (1) zoning designation.***

In conjunction with the Zoning Map Amendment application, no proposed tracts or parcels will have more than one zoning designation.

Therefore, staff finds that the proposal meets the criterion for approval.

9. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted the required application materials for review of a Modification of a Decision-Preliminary Subdivision application in the proper sequence. The Modification of a Decision-Preliminary Subdivision application is being processed concurrently with the following applications Comprehensive Plan Amendment (CPA2018-0004), Modification of a Decision-Conditional Use-PUD (CU2018-0006), Modification of a Decision-Preliminary Subdivision-Small Lot (LD2018-0015), and Zoning Map Amendment (ZMA2018-0003). The Modification of a Decision-Preliminary Subdivision application is dependent upon approval of the Comprehensive Plan Map Amendment (CPA2018-0004) and Zoning Map Amendment (ZMA2018-0003) as such staff recommends a condition of approval that the above mentioned applications be approved in order for this Modification of a Decision-Preliminary Subdivision to be approved.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion.

Section 50.95 Modification of a Decision - Procedures.

The applicant has requested modifications to the approved conditions of approval of the previously approved Preliminary Subdivision (LD2017-0021), Section 50.95 of the Development Code is applicable to the request.

- 1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.**

The applicant has requested this modification to a decision, originally approved through a Type 3 procedure, in order to modify the decision (LD2017-0027) the applicant must return to the Planning Commission to request a modification. The applicant proposes to add additional large lots to the originally approved LD2017-0027 decision to allow for additional phasing as well as retain the existing dwelling on site until the final stages of development. Staff has addressed the relevant approval criterion for this decision above, as well as in the Facilities Review section of this report and found that the proposal is compliant with the applicable approval criterion, subject to three additional conditions of approval. The original conditions of approval of LD2017-0027 remain effective except for one condition which is superseded by a new condition of approval based upon the applicant's revised

proposal.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

- 2. An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.**

The applicant met with staff accordingly for a pre-application conference on February 27, 2018, and was provided the information necessary to apply for a Modification of Decision application, along with the other appropriate applications necessary to make the changes as proposed.

Therefore, staff find the proposal meets the criterion for approval.

- 3. An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.**

This application does not request to extend the deadline for filing an appeal. The appeal period for the original Scholls Valley Heights PUD applications expired March 5, 2018 without an appeal filed.

Therefore, staff finds that the criterion for approval does not apply.

- 4. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.**

The applicant has applied to modify the conditionally approved Land Division – Preliminary Subdivision LD2017-0027, part of the Scholls Valley Heights at South Cooper Mountain PUD.

Therefore, staff find the proposal meets the criterion for approval.

- 5. An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.**

The originally approved South Cooper Mountain Heights PUD project was processed under the Type 3 review procedures. The requested modifications to

the approved project, and all submitted applications as part of this Modification of Decision will follow the Type 3 review procedures.

Therefore, staff find the proposal meets the criterion for approval.

7. The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.**
- B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.**
- C. The circumstances have changes to the extent that the condition is no longer needed or warranted.**
- D. A new or modified condition would better accomplish the purpose of the original condition.**

The applicant does not propose to modify any conditions of approval of the previous Preliminary Subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **LD2018-0016 (Scholls Valley Heights at South Cooper Mountain PUD Modification)** subject to the applicable conditions identified in Attachment G.

Land Division Standards Code Conformance Analysis

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|---|--|--|-------------|
| Grading Standards | | | |
| 60.15.10.1 Applicability | Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review. | No physical development, including grading, is proposed with this Preliminary Subdivision. | N/A |
| 60.15.10.2.A-C Exemptions | Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way. | No physical development, including grading, is proposed with this Preliminary Subdivision. | N/A |
| 60.15.10.3.A-E | When grading a site within 25 feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe A-E of this code section. | No physical development, including grading, is proposed with this Preliminary Subdivision. | N/A |
| 60.15.10.3.F | Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E above, the slope after grading (post-development) shall not exceed the pre-development slope. | No physical development, including grading, is proposed with this Preliminary Subdivision. | N/A |
| 60.15.10.3.G | The on-site grading contours stated above apply only to the property lines of the parent parcel(s). They do not apply to internal property lines within a development. | No physical development, including grading, is proposed with this Preliminary Subdivision. | N/A |
| Significant Trees and Groves | | | |
| 60.15.10.4 Significant Trees and Groves | Standards for grading within 25 feet of significant trees or groves. | No physical development, including grading, is proposed with this Preliminary Subdivision. | N/A |

CONDITIONS OF APPROVAL

Comprehensive Plan Amendment (CPA2018-0004)

No Conditions

Zoning Map Amendment (ZMA2018-0003)

1. Ensure the associated land use application CPA2018-0004 has been approved and is consistent with the submitted plans. (Planning / JF)

Modification of a Conditional Use-Planned Unit Development (CU2018-0006)

1. All conditions in CU2017-0011 remain in full effect, except condition of approval number three (3) of that decision which is superseded by condition of approval (2) below.

A. Prior to Site Development Permit Issuance, the Applicant Shall:

2. Provide a plan showing the development of the required open space, as listed below, for each phase of development. Open space constructed in excess of that required in already constructed phases may be used to meet the open space requirements for subsequent phases. The open space requirements are approximately to 120 square feet of active and 479 square feet of total open space per dwelling unit. Should phase boundaries shift the calculation of required open space may be modified based on the square feet per dwelling unit listed above.
 - a. Phase 1: 1,800 square feet of active open space and 7,185 square feet of total open space.
 - b. Phase 2: 2,160 square feet of active open space and 8,622 square feet of total open space.
 - c. Phase 3: 1,440 square feet of active open space and 5,748 square feet of total open space.
 - d. Phase 4: 1,200 square feet of active open space and 4,790 square feet of total open space.
 - e. Phase 5: 840 square feet of active open space and 3,353 square feet of total open space.
 - f. Phase 6: 2,400 square feet of active open space and 9,580 square feet of total open space.
 - g. Phase 7: 2,400 square feet of active open space and 9,580 square feet of total open space.
 - h. Phase 8: 3,600 square feet of active open space and 14,370 square feet of total open space.
 - i. Phase 9: 2,040 square feet of active open space and 8,143square feet of total open space.

- j. Phase 10: 7,440 square feet of active open space and 29,698 square feet of total open space.
- k. Phase 11: 1,080 square feet of active open space and 4,311 square feet of total open space.
- l. Phase 12: 1,440 square feet of active open space and 5,748 square feet of total open space.
- m. Phase 13: 1,560 square feet of active open space and 6,227 square feet of total open space.

Modification of a Preliminary Subdivision (Small Lot) LD2018-0015

A. General Conditions, the Applicant Shall:

- 1. Ensure the associated land use applications CPA2018-0004 / ZMA2018-0003 / CU2018-0006 have been approved and are consistent with the submitted plans. (Planning / JF)
- 2. All conditions in LD2017-0021 remain in full effect, except for condition of approval 46 of LD2017-0021 which is to be replaced with COA 3 below. (Planning / JF)

B. Prior to Recording of a Plat for Any/All Phases, the Applicant Shall:

- 3. Dedicate a utility and access easement to the city over all proposed streets, except for the portion of 'Street C' between Street B and the western property line. (Planning / JF)

Modification of a Preliminary Subdivision (Large Lot) LD2018-0016

A. General Conditions, the Applicant Shall:

- 1. Ensure the associated land use applications CPA2018-0004 and ZMA2018-0003 have been approved and are consistent with the submitted plans. (Planning / JF)
- 2. All conditions in LD2017-0027 remain in full effect, except for condition of approval 7 of LD2017-0027 which is to be replaced with COA 3 below. (Planning / JF)

B. Prior to Recording of a Plat for Any/All Phases, the Applicant Shall:

- 3. Dedicate a utility and access easement to the city over all proposed streets, except for the portion of 'Street C' between Street B and the western property line. (Planning / JF)